

GOVERNMENT OGF ANDHR PRADESH
ABSTRACT

P.S. – T & A Dept. – Kadapa Dist. – Allegations of irregular appointment of Sri V. Vinod Kumar as Shroff on compassionate grounds - Disciplinary action initiated against Sri B.N. Vijaya Kumar, Sr. Accountant, Sub-Treasury, Kadapa – Punishment of reversion to lower cadre for a period of five years awarded – Appeal petition – Allowed – Punishment modified to that of withholding of 3 annual grade increments without cumulative effect-Orders – Issued.

FINANCE (Admn.III) DEPARTMENT

G.O. Rt. No.3131

Dt.22 -7-2008

Read the following:

1. Proceedings No. KII(5)/20570/2003-2, dt. 20-2-2008 of the D.T.A., A.P., Hyderabad.
2. Appeal petition of Sri B.N. VijayaKumar, Senior Accountant, Dist. Treasury Unit, Kadapa dt. 4-3-2008.
3. Lr. No. KII(5)/20570/2003, dt. 7-5-2008 from the D.T.A., A.P., Hyderabad.

O R D E R:

On the allegation of irregular appointment of Sri V. Vinod Kumar as Shroff at Sub-Treasury, Jammalamadugu, Kadapa Dist., on compassionate grounds, disciplinary proceedings under Rule 20 of APCS (CC&A) Rules, 1991 have been initiated against Sri B.N.Vijaya Kumar, Senior Accountant, while he was working as Senior Accountant, District Treasury, Kadapa and presently Senior Accountant, Sub Treasury, Kadapa and the following articles of charges framed against him.

Charge: I

“That Sri B.N.Vijaya Kumar, Senior Accountant, District Treasury, Kadapa has processed irregular misleading office note on 15-3-2003 and also draft proceedings with his initials on 17-3-2003 towards compassionate appointment of Sri V.Vinod Kumar, S/o Late Sri V.Moses as Shroff at Sub Treasury, Jammalamadugu though as on the date of death of the employee i.e., on 08-06-2002 the spouse of the deceased employee Smt.D.Rajamma was working as M.P.H.S.(F) P.H.C. Kadapa of Kadapa District and subsequently retired voluntarily on 31-12-2002 and both husband and wife are employees and the case do not come under the purview of died while in harness. Thus the appointment is irregular and thus he exhibited lack of integrity and devotion to duty and conduct unbecoming of Government servant and there by contravened rule 3(1)(2)& (5) of APCS (Conduct) Rules, 1964”.

Charge: II

That B.N.Vijaya Kumar, Senior Accountant, District Treasury, Kadapa had put up an misleading office note towards compassionate appointment of Sri V.Vinod Kumar as Shroff at Sub Treasury, Jammalamadugu and while doing so, he has not followed the Rule of Reservation and Roaster Register as per Government order and not followed whether there being no other earning member in the family. Thus he has not followed the provisions mentioned in the G.O.Ms.No.687, dt.03-10-1997 of GAD and irregularly issued the appointment orders.

Charge:-III

That B.N.Vijaya Kumar, Senior Accountant, District Treasury, Kadapa has not mentioned specific direction in the appointment order for furnishing of security bond to the post of Shroff as required under Rules.

2. In his written statement of defence, he denied the charges and he has stated that while giving appointment, there was no earning member in the family and because of this he has processed the file on the oral instructions of Deputy Director, and obeyed orders of superiors and also stated that he is neither appointing authority nor enquiry authority to verify the varacity of the Mandal Revenue Officer's certificate and the declaration of the applicant. Further, he has stated that he was not aware of that the wife of the deceased is

an employee. He went by the application of the wife of deceased and son along with enclosed certificates. He processed the file only basing upon the certificate issued by MRO, Kadapa and basing upon the death certificate of deceased employee and also basing upon declaration of the individual as provided in item (3) clarification issued in Govt. Memo.No. 618/Ser.I/79-11, G.A.D (s) dept., dt.17-12-1979 and found that the case as genuine and there is no elements of irregularity and in his limited role processing the file, he has not committed any misconduct. For Charge-II: as per Govt. orders issued in G.O.Ms.No.299, G.A. (Ser.D) Dept., dt. 3-4-1979 appointment made under compassionate scheme should be treated as a distinct category in itself, not treated to employment exchange procedure, as well as general Rule 22, providing reservation of appointment and such appointments have no relation to Roasters. Hence no violation of Rules was committed and prayed for dropping of charge: For charge-III: He has stated that the appointment orders were not routed through him and there was no occasion for him to insist on stipulating such conditions. The STO, Jammalamadugu was instructed by the then Deputy Director to obtain fidelity guarantee bond from the candidate and accordingly he obtained security bond from the applicant as per rules, hence requested for dropping the charge as there is no element of misconduct in the above allegations.

3. Not satisfying with the Written Statement of defence, Government have ordered for common enquiry against the appellant herein and others. The Enquiry Officer found that the charges were proved.

4. After following due procedure, the DTA has awarded the punishment of "reversion to lower cadre for a period of five years" on Sri B.N.Vijaya Kumar, Senior Accountant, District Treasury, Kadapa presently Senior Accountant, Sub Treasury, Kadapa.

5. Aggrieved by the said punishment and preferred an appeal petition through the reference 2nd cited.

6. The D.T.A., Hyderabad in the reference 3rd cited has stated that the wife of the deceased is in Government service as on the date of death i.e., on 8-6-2002. The charged officer processed the file on 15-3-2003 and issued draft proceedings on 17-3-2003. He has not mentioned about the working of the wife of the deceased at the time of death of Government servant and also the family pension papers of the deceased was transmitted by the STO, Jammalamadugu to the DTO, Kadapa vide his letter dt.25-11-2002. In the pension papers against the column No.7 list of family members it was specifically stated that Smt.B.Rajamma was employed in Medical Department. The papers were also processed by the charged officer Sri B.N.Vijaya Kumar, and counter signed by the Deputy Director, District Treasury, Kadapa. The appointment orders were also issued to the son of the deceased in the same file in which the pension papers were processed. She has taken voluntary retirement on 31-12-2002 and latter applied for compassionate appointment to his son. Even after voluntary retirement she is in receipt of pension and family pension. The Deputy Director has also reported that in the case of Sri V.Vinod Kumar, there is suppression of facts, since no earning member certificate issued by MRO, Kadapa dt.29-7-2002 states that the wife of the deceased as house wife though she was working as Government employee and with a view to get her son employed in the Government Department. She applied for Voluntary retirement and retired on 31-12-2002. he has stated that both cases cannot stand on same footing, since there are no suppression of facts in the case of Srinivasa Murthy, as the Mandal Revenue Officer certificate specifically indicates that Sri M. Venkateshwarlu retired from service on 30-6-1996.

7. Government after careful examination of the material, i.e, Charge Memo., Written Statement of Defence, punishment order, contents of the appeal petition, remarks of the D.T.A., Hyderabad it is observed that the Charged Officer is only Senior Accountant i.e., case worker. When he has not mentioned the specific direction for furnishing of security bond, how the next higher authorities have approved the same without incorporating the said direction. When the appointment is irregular, the question of Charge No.III does not arise, as it merges with Charge-I. It is noticed that the wife of the deceased employee has taken voluntary retirement from her Employer on 31-12-2002. But the charged Officer processed the file for compassionate appointment on 15-3-2003 by that date there are no

earning member in the family. Hence a lenient view is taken and decided to modify the punishment of “reversion to lower cadre for a period of five years” which is on high side, to that of withholding of 3 annual grade increments without cumulative effect.

8. Accordingly, Government hereby order that the punishment of reversion to lower cadre for a period of five years” imposed by the D.T.A., Hyderabad vide reference 1st cited on Sri B.N. Vijaya Kumar, Sr. Accountant, Sub-Treasury, Kadapa be modified to that of withholding of 3 annual grade increments without cumulative effect.

9. The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

10. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

VASUDHA MISHRA
SECRETARY TO GOVERNMENT (FP)

To
The individual
(through the D.T.A., A.P., Hyd.)
copy to: The D.T.A., A.P., Hyd.

// Forwarded :: By Order //

SECTION OFFICER